

**MINUTES OF THE
SELMA CITY COUNCIL
August 11, 2008
5:00 P.M.**

Call to Order

Invocation: Reverend Effel Williams, pastor
Tabernacle of Praise Church

Moment of Silence

Pledge of Allegiance

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, August 11, 2008 at 5:00 p.m.

ROLL CALL

The following members were present during roll call: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean Martin, Johnnie M. Leashore, Bennie R. Crenshaw and Jannie M. Venter. Others present were City Clerk Lois Williams, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell and the Mayor's Executive Assistant Darlene Rudolph. President Evans stated that he is sure that Councilman Randolph and Councilwoman would be arriving shortly. Councilwoman Allen arrived at 5:08 p.m. and Councilman Randolph also arrived at 5:34 p.m.

APPROVAL OF AGENDA

President Evans asked for approval of the agenda items. A motion was made by Councilwoman Martin and seconded by Councilwoman Venter to approve the agenda items as written. **The motion was carried with a unanimous (show of hands) vote of the Council members present. Councilwoman Allen and Councilman Randolph were absent at the time of this vote.**

APPROVAL OF MINUTES

After approval of the agenda, President Evans stated that the Clerk asked that the minutes of the July 14, 2008 and July 28, 2008 regular meeting be continued until the next meeting. A motion was made by Councilman Cain and seconded by Councilwoman Leashore to continue the approval the minutes of July 14th and July 28th until the next Council meeting. **The motion carried with a unanimous (show of hands) vote of the Council members present. Councilwoman Allen and Councilman Randolph were absent at the time of this vote.**

CITIZENS' REQUESTS

Mrs. Toby Norton
Re: Overgrown Property

Mrs. Carolyn Bates
Re: Selma Disability Advocacy Center

Mr. Marcus Hanna, Mrs. Ramona Hardy & Mrs. Kimberly Davis
Re: Dallas County Juvenile Detention Center

Mr. Greg Belkey
Re: Burns and run down houses

MAYOR'S REPORT

A. Presentation by Dr. Bruce Taylor and Associates. Mayor Perkins stated that the Council has been given the opportunity to visit with Dr. Taylor for the purpose of sharing information that he is going forward with and asked Dr. Bruce Taylor to address the council at this time: Dr. Bruce Taylor addressed the Council stating that this is in no way a political project. Following his opening statements, Dr. Taylor stated that this project started about a year ago with a young lady in his office by the name of Ashley Carter (valedictorian from Southside High School), who started the internet research on family entertainment. Dr. Taylor stated that he was fortunate enough to find an architect from Huntsville, Alabama who is familiar with the family entertainment center that he fashions his center after. Dr. Taylor further stated that because the 37 acres of land is contiguous with the City of Selma Baseball Complex, he thought it would be a good idea to develop a project that could somehow incorporate those ball fields into the project and that the project would be cost effective and cost efficient. Dr. Taylor stated that the usage of the Sports Complex is not about making a profit for us, it is about providing another outlet for

MAYOR'S REPORT

the young folks in our community, which it will help indirectly once you see the drawings, the way the facility is situated; all the traffic has to come by the Taylorville Fun Entertainment Center. Dr. Taylor further discussed several issues regarding security and rules and regulations. He stated that the Taylorville Fun Entertainment Center will include three outside bating cages, one inside bating cage, football, laser tag, mini bowling, bumper cars, redemption games, video games, and a pond in the family entertainment center; a spot where we could paddle boats, a gazebo and picnic tables; enough to accommodate one hundred people because we know "Selma is family reunion central," as well as many jobs created. Dr. Taylor introduced the team who will be working with him: Mr. Greg Kimback, who is responsible for all the drawings you see tonight; Attorney Craig Williams, who is with a law firm out of Birmingham, Alabama, and the Real Estate Attorney for this project; Jason Marshall, and lastly a person known to everybody, Mr. Danny Lane, D & L Construction. The Mascot...Ted E. Bear. Attorney Williams addressed the Council stating that after the youth sports complex is built, the title will be transferred to the city, but in order to get to that stage we are looking for a commitment from the city basically to enter into a contract or purchase agreement with the city; whereby at the end of construction we are going to have a closing, transfer title to the city and at that point, there would be an installment sale every year with payments made to Dr. Taylor; the payments would not begin until after the complex is finished around fourteen months after construction begins. Drawings of the project were presented by Greg Kimback. Mr. Marshall, Investment Banker, addressed the Council stating that the rating for the City of Selma is AA in the market place, which means that there are plenty of investors willing to back Selma because they know the City of Selma is "good for its money." He stated that the City will pay Dr. Taylor \$38,000.00 per month if they decide to take the offer. Councilman Cain asked if the City of Selma did not go along with this project, would Dr. Taylor still have the financial backing. Mr. Marshall stated that it was up to Dr. Taylor to take whatever avenue he wishes if the City of Selma does not want to participate, however the Taylorville Fun Entertainment Center would still be a reality. Councilwoman Crenshaw requested a vote of confidence from the Council at this point. Following this discussion, Mayor Perkins explained where the funding is slated to come from. Mayor Perkins stated he is in support of this project. Mayor Perkins stated that Dallas County has put \$2 million dollars in the juvenile detention center, that we have already stated that we are willing to budget annually for a facility to detain and arrest our children, yet we have to discuss if we want to support this project, that is going to help keep our children out of trouble. Mayor Perkins stated that the city signed as a co-signer to two HUD loans; one for the St. James Hotel and one for Good Samaritan. Mayor Perkins stated that one of those loans was defaulted on, and the city has not been held responsible for that payment. Mayor Perkins stated that Coach Reese has indicated that it will cost an additional \$150,000.00 to support this project, but that estimate was on the high end, he presumes it to be around \$100,000.00 to \$150,000.00, including staff and equipment. Mayor Perkins stated that you have to spend money in order to make money; you have to invest in the community in order for it to grow and we cannot keep saying no to building schools and expect our community to grow, we cannot keep saying no to community initiative programs and expect our kids to behave, we are going to have to step up and make some tough decisions to get things done. Mayor Perkins stated that present bond has 3.8 million dollars in it; the bond will be my answer for this project. Mayor Perkins asked that the record reflect that he and Councilman Williamson both agree that a bond is needed. At conclusion, a motion was made by Councilman Williamson and seconded by Councilman Cain to table this item until the next meeting. **A roll call vote was taken and the motion failed for lack of a majority vote of the Council. There were four affirmative votes and five nay votes. Council members Martin, Randolph, Leashore, Crenshaw and Venter each cast a nay vote.** A motion was then made by Councilman Leashore seconded by Councilwoman Crenshaw to vote and support this project upon further information and changes on the projected financial aspect, and how it will be underwritten and the final decision would be made by the City Council. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

B. Gas Prices. Mayor Perkins stated there were several citizens concerned about the gas prices. Mayor Perkins stated that he would like to remind the council and the citizen that when the city of Selma took bids for the purchase of gas, at the time of the bid, Diesel fuel was \$2.18 per gallon and regular gas was \$2.02 per gallon, and no one anticipated paying \$4.00 per gallon, the prices of gas has had a tremendous impact on operations. Mayor Perkins further stated that we have cut back on the number of cuts we have had out for grass, and we are trying to manage the gas situation.

C. Resolution - #R224-07/08 - Federal police (JAG) Grant. Mayor Perkins stated the City of Selma is the recipient of the Federal Police (JAG) Grant from the Department of Justice in the amount of \$26,743.50 in 2007, and the City of Selma has received approval from the United States Department of Justice to amend its JAG total by \$13,000.00 for the purchase of office equipment and supplies. Mayor Perkins read as per said resolution that the Selma City Council authorized this line 1-4000-469-0 in the amount of \$13,006.46 for the purchase of said office equipment and supplies and the Selma Police Department should be dispensed out of the account #1-6800-321-0, he asked Council for favorable consideration of this resolution. A motion was made by Councilman Leashore and seconded by Councilwoman Venter to approve the said resolution. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

MAYOR'S REPORT

D. Municipal Election Cost. Mayor Perkins stated that the budget as of August 7, 2008 is \$75,000.00, with expenses of \$60,382.51 from the last year. City Clerk Lois Williams stated that the \$70,000.00 budgeted for this election decreased due to expenses from the Bond election, which cost about \$50,000.00. Ms Williams further asked to replenish the \$50,000.00 spent on the Bond election, and if the election budget could be reinstated at \$70,000.00, that should suffice. A motion was made by Councilman Williamson and seconded by Councilman Leashore to take \$50,000.00 from the Unrestricted General Fund Cash Account to replenish the election expense account. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

E. Announcement - Public Works Move. Mayor Perkins stated that the Public Works Department has moved out of East Selma; the facility will be moved into the former Honda All Lock Property. Mayor Perkins stated all pre-clearance has been done and they will no longer will be paying a lease on the old site for Public Works.

CITY ATTORNEY'S REPORT

A. City/County Agreement - River Front Development Project. Attorney Nunn stated after talking to Judge Ballard, Judge Ballard stated that the county had not approved the Memorandum of Understanding; they understood that they were to have one or two meetings with the city and then present the same to the county commissioner for a vote on the MOU. Attorney Nunn further stated that at this point and time, nothing is being done as it relates to the MOU; that after the County officials meet with the City officials, hopefully we will be on one accord and will bring the Memorandum of Understanding back to the city, along with presenting it to the County Commission. Attorney Nunn stated that the MOU reference the County and City becoming partners and moving forward and seeking grants as it relates to the River Front Development Project; that he wanted to make that clarification tonight; and will be bringing it back to the Council in the future.

B. Kelley Food Concepts. Attorney Nunn stated that Kelley Food Concepts are seeking approval to pave a City right of way to build another parking lot, and this project will cost \$30,000.00 to \$40,000.00. During discussion, a motion was made by Councilman Cain and seconded by Councilman Williamson to approve the pavement project and gate closing for Kelley Food Concepts. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

C. Competitive Bid Law. Attorney Nunn stated that he would like to inform the Council of the increase in the Competitive Bid Law from \$7,000.00 to \$15,000.00 for the purpose of purchasing materials and supplies.

D. Alcoholic Beverage License. Attorney Nunn stated that requirements for the following three Alcoholic Beverage Licenses have been met: 1) Bama Budweiser; 2) Captains Corner; and 3) Idle Inn. A motion was made by Councilman Leashore and seconded by Councilwoman Martin to approve the said licenses. **A roll call vote was taken and the motion passed with a majority vote of the Council.** There were seven affirmative votes and two abstentions. Councilman Williamson and Councilwoman Venter each cast a nay vote.

E. R223-07/08 Emergency Light Bars. Attorney Nunn stated that the City of Pine Level Volunteer Fire Department request the City of Selma transfer of deed and title to six emergency light bars located on the police surplus vehicles at the AL-Lock facility and a resolution has been prepared for said light bars in the amount of \$1.00. A motion was made by Councilman Leashore and seconded by Councilman Williamson to issue a bill of sale for said light bars. **A roll call vote was taken and the motion passed with a unanimous vote of the Council.**

F. Lease Agreement - AutoMark Machines. Attorney Nunn stated that he has made the corrections on the dates for usage of the Automark Machines from September to October elections. Council member Leashore inquired about the release of liability once the machines.

G. Councilman Cain's Case. During discussion, Attorney Nunn stated that per request of Councilwoman Crenshaw, he has prepared a report for the Council as follows, as it relates to Councilman Cain's Case: 1) prior to paying attorney fees there must be proper corporate interest in the actions; 2) actions were done during official duty; and 3) the official acted honestly and in good faith; in those instances, the city may pay his/her legal fees.

H. Public Notice - Absentee Voting on Saturday. Attorney Nunn stated that there was a misprint in the Selma Times Journal in reference to the hours the City Clerk will have her office open for the purpose of assisting personnel who may not have the time to vote during normal business hours for Absentee Voting. Councilman Cain asked who has the right to open the office during non-duty hours. Attorney Nunn responded that scheduling is up to the Department Head or the Mayor.

CITY ATTORNEY'S REPORT

I. Elected School Board – Pre-Clearance. Attorney Nunn stated a draft copy was sent to the Justice Department to obtain pre-clearance and once the paperwork returns, the Council must then make a decision as it relates to approving or opting to not do anything as it relates to the request. Attorney Nunn further stated that in 60 days, the Council must set a date on having an election.

J. Resolution #R215-07/08 – Appointment of Poll Officials. Attorney Nunn stated that tonight is the last night to make changes for the appointment of poll officials for the election. Following discussion with changes or no changes from each ward, a motion was made by Councilman Cain and seconded by Councilwoman Martin to approve the said resolution with changes. A motion was then made by Councilwoman Crenshaw and seconded by Councilwoman Martin to increase the pay for poll officials to \$100.00. A roll call vote was taken and the motion passed with a unanimous vote of the Council.

K. Federal Poll Watchers. Attorney Nunn stated that there have been no response on the request for federal poll watchers and there are no opinions from the Attorney General's Office. He stated that he has called, but has not received any response since that time.

L. Testing of the Voting Machines. Attorney Nunn stated that the date scheduled for the testing of the voting machines is August 25, 2008 at 3:00p.m. at the Convention Center. Following discussion, it was the consensus of the Council to approve this schedule.

BUSINESS ITEMS:

I. Resolution - Selma Water Works and Sewer Board

President Evans stated that this item would be continued.

II. 17 Missing Data Packs

During a lengthy discussion regarding the "17 missing data packs" Mrs. Rudolph noted that the data packs were missing during the election of 2000, however, due to not being able to requisition for new election supplies in 2004, the money was paid on July 16, 2004, for 17 packs, but after research, as you know, she stated that Ms. Williams was only hired March 12, 2001, and she would have not known where the packs were. Mrs. Rudolph stated that Mrs. Jackie Smith was the City Clerk at that time, and she was in charged of the election. Mrs. Rudolph stated that the normal practice would have been to take the packs back the same day, but on this day, they did not take the packs back. Mrs. Rudolph further stated that Mr. Kelley stated he could not remember why they did not take the packs back, and the missing data packs still falls under the Smitherman administration, that Mr. Kelley did say that they questioned Mayor Perkins, but he was not aware of the missing packs, because at that time he did not take office until October, which gives you a time span between administrations, now I do not know who Jackie Smith gave the packs to because as the City Clerk she would have been over that election. In addition, no one from this administration would have been in office. Mrs. Rudolph stated that Mr. Kelley stated that the person who would have received the packs during that time is now "60 something" years old, and does not remember, that Mr. Kelley also stated that he is tired of this issue, he doesn't remember either. Mr. Kelley came down in July and explained everything and stated that there is no way that any one can use those 17 packs anyway, due to the securities that are in place to detect any tampering with the machines. In conclusion, President Evans stated that after conferring with Mrs. Jackie Smith, that she stated she turned them into the office; however, no one received them.

III. Resolution R216-07/08 – Repairs on Fire Engine #103

President Evans stated this item would be continued.

IV. Letter from Dr. Kirit Chapatwala (Explanation)

President Evans stated this item would be continued.

V. Unpaid Garbage Fees

Councilman Cain stated this amount has not gone down any and he wants to know what the status of the collections process is. President Evans stated that Mr. Goldsby is not present to answer any questions and this item would be continued at this time.

VI. Good Samaritan

President Evans stated this item would be continued until the Council has a chance to get an updated report from Mrs. Mills.

BUSINESS ITEMS:

VII. Missing Money from the Police Department

President Evans stated that Chief Riley has indicated in his report that investigations on this issue are on going.

X. Personnel Manual

President Evans stated this item would be continued.

XI. Update on Bush Hog, Inc. Closing Streets and Property Acquisition

President Evans stated this item would be continued.

XII. Appointment of Council members to the Selma Water Works and Sewer Board

Councilman Williamson stated that he would like to discuss only appointing one Council member to the Selma Water Works and Sewer Board as the terms expire. President Evans stated that this issue would be further discussed by the Council and should be continued.

XIII. Technology for migrate building

President Evans stated this item would be continued.

XIX. Budget Review Timeline

President Evans stated this item would be continued.

XX. Upcoming City Government Meetings, Committee Meetings and Conference

None at this time.

STANDING COMMITTEE REPORTS

RECREATION COMMITTEE – Councilman Reid Cain, Chairperson

No Report.

ADMINISTRATIVE COMMITTEE – Councilman Dr. Cecil Williamson, Chairperson

No Report

PUBLIC SAFETY COMMITTEE – Councilwoman Dr. Geraldine Allen, Chairperson

No Report

COMMUNITY DEVELOPMENT COMMITTEE – Councilwoman Bennie Ruth Crenshaw, Chairperson

No Report.

PUBLIC WORKS COMMITTEE – Councilwoman Jannie Venter, Chairperson

No Report

DISCRETIONARY FUNDS COMMITTEE – President George Evans, Chairperson

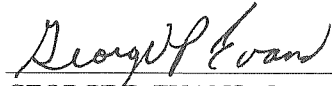
No Report.

CLOSING REMARKS BY EACH COUNCIL MEMBER.

PAGE 6 OF 6
SELMA CITY COUNCIL MEETING
AUGUST 11, 2008
5:00 P.M.

ADJOURNMENT

There being no further business to come before the Council, a motion was made by Councilman Leashore and seconded by Councilwoman Allen, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 9:54 p.m.



GEORGE P. EVANS, *Council President*

ATTEST:

APPROVED:



LOIS WILLIAMS, *City Clerk*



JAMES PERKINS, JR., *Mayor*